

PB# 07-28

**Warex Terminals/
Eastern Harbour**

9-1-70.2 & 77

TOWN OF NEW WINDSOR
PLANNING BOARD
APPROVED COPY
DATE: 4-22-08

07-28
Warex Terminals / Eastern Harbour
Lot Line Change (Shaw)

07-28

Map Number 397-08

Section 9 Block 1 Lot 71
70.2

City
Town
Village

New Windsor

Title: Eastern Harbour Assocs LP

Warex Terminals Corp

Dated: 12-27-07 Filed: 6-12-08

Approved by Genaro Argenia

on 4-22-08

Record Owner Eastern Harbour Assn LP

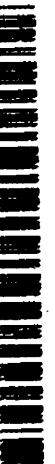
Warex Terminals Corp

DONNA L. BENSON
Orange County Clerk

10⁻ x 1pg
9⁻ x 6 Copies @

10⁰⁰
54
45 00
55 total
64 total

RECORDED/FILED ORANGE COUNTY
BOOK 02008 PAGE 0397
06/12/2008 15:29:00
FILE NUMBER 200800060095
RECEIPT#897285 patti



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/24/2008

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 7-28

NAME: WAREX / EASTERN HARBOUR LL CHG PA2007-739

APPLICANT: EASTERN HARBOUR / WAREX TERMINALS

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
04/22/2008	PLANS STAMPED	APPROVE
12/12/2007	P.B. APPEARANCE	APPROVED
10/10/2007	P.B. APPEARANCE . ADDRESS MARK'S COMMENTS;	WVE PH; NEED OCPD SEND TO O.C. PLANNING
09/05/2007	WORK SHOP APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/24/2008

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
APPROVAL

FOR PROJECT NUMBER: 7-28

NAME: WAREX / EASTERN HARBOUR LL CHG PA2007-739

APPLICANT: EASTERN HARBOUR / WAREX TERMINALS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/08/2008	APPROVAL FEE	CHG	150.00		
04/22/2008	REC. CK. #091253	PAID		150.00	
		TOTAL:	150.00	150.00	0.00



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE PLANNING BOARD

April 9, 2008

Shaw Engineering
744 Broadway
Newburgh, NY 12550

ATTN: GREGG SHAW, P.E.

SUBJECT: P.B. #07-28 WAREX/EASTERN HARBOUR LOT LINE CHANGE

Dear Gregg:

Please find attached printouts of fees due for subject project.

Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

Check #1 – Approval Fee.....	\$ 150.00
Check #2 – Amount over escrow posted.....	\$ 788.00

Upon receipt of these checks, I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Myra L. Mason, Secretary To The
NEW WINDSOR PLANNING BOARD

MLM

FAXED

4-10-08

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/10/2008

PAGE: 1

LISTING OF PLANNING BOARD **FEE**
ESCROW

FOR PROJECT NUMBER: 7-28

NAME: WAREX / EASTERN HARBOUR LL CHG PA2007-739

APPLICANT: EASTERN HARBOUR / WAREX TERMINALS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/02/2007	REC. CK. #87386 - WAREX	PAID		150.00	
10/10/2007	P.B. MINUTES	CHG	21.00		
12/12/2007	P.B. MINUTES	CHG	21.00		
04/08/2008	P.B. ATTY. FEE	CHG	420.00		
04/08/2008	P.B. ENGINEER	CHG	476.00		
		TOTAL:	938.00	150.00	788.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/10/2008

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
APPROVAL

FOR PROJECT NUMBER: 7-28

NAME: WAREX / EASTERN HARBOUR LL CHG PA2007-739

APPLICANT: EASTERN HARBOUR / WAREX TERMINALS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/08/2008	APPROVAL FEE	CHG	150.00		
			-----	-----	-----
		TOTAL:	150.00	0.00	150.00

**RESOLUTION ADOPTING A NEGATIVE DECLARATION
FOR A LOT LINE CHANGE APPLICATION**

*Eastern Harbour Associates, LP and Warex
Terminals Corporation Lot Line Change
PB # 07-28*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a lot line change by Eastern Harbour Associates, LP and Warex Terminals Corporation (the "applicants") for a project described as the "Eastern Harbour Associates, LP and Warex Terminals Corporation Lot Line Change";

WHEREAS, the subject site consists of 6.84 acres of land located on the West side of River Road, south of Walsh Avenue and comprised of two tax map parcels in the Town of New Windsor identified on the tax map as section 9, block 1, and lots 70.2 and 77 (SBL 9-1-70.2 & 77); and

WHEREAS, the action involves a request for a lot line change, which is a minor subdivision approval from the Town of New Windsor; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision plat, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, on October 10, 2007 the Planning Board waived the public hearing; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed subdivision plat consisting of one sheet, prepared by Richard Paul Hanback

N.Y.S. Land Surveyor, dated August 17, 2007, with no revisions;
and

WHEREAS, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the approval of the lot line change.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for an uncoordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member Schlesinger, seconded by Member Scheible, the foregoing resolution was adopted as follows:


Member, Daniel Gallagher	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	<u>Aye</u>	Nay	Abstain	Absent
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent
Member, Henry Vanleeuwen	Aye	Nay	Abstain	<u>Absent</u>
Chairman, Genaro Argenio	<u>Aye</u>	Nay	Abstain	Absent

- - -

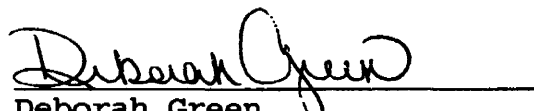
Alternate, Henry Schieble

Aye Nay Abstain Absent

Dated: December 12, 2007
New Windsor, New York


Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 18th day
of December, 2007.


Deborah Green
Town Clerk

**TOWN OF NEW WINDSOR PLANNING BOARD
COUNTY OF ORANGE**

NEGATIVE DECLARATION

*Eastern Harbour Associates, LP – Warex Terminals
Corporation Lot Line Change
PB # 7-28
(S-B-L: 9-1-70.2 and 9-1-77)*

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for an Uncoordinated review of this Unlisted Action.

Name of Project:	Eastern Harbour Associates, LP – Warex Terminals Corporation Lot Line Change
Action Type:	Unlisted Action; Uncoordinated Review
Location:	Town of New Windsor, County of Orange
Location:	River Road (Route 9W)
Zoning District:	PI – Planned Industrial
Tax Map Parcel:	9-1-70.2 and 9-1-77

Summary of Action:

The action involves a request for a lot line change between two commercial lots located in the PI District in the Town of New Windsor. The applicant proposes to transfer approximately 0.854 acres from lot 70.2 to lot 77.

Reasons Supporting the Negative Declaration:

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting the lot line change.

No new lots will be created by virtue of this lot line change. The proposed lot line change is considered to comply with all currently existing zoning requirements and municipal plans for the Town of New Windsor, and is consistent with the community character. Neither solid waste generation, energy consumption, nor public service demands would be significant or excessive for the realigned lots within this resubdivision. No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: December 12, 2007
Agency Address: Town of New Windsor Planning Board
Town Hall – 555 Union Avenue
New Windsor, New York 12553
Tel. (845) 563-4615
Contact Person: Genaro Argenio, Chairman

RESOLUTION GRANTING A LOT LINE CHANGE

*Eastern Harbour Associates, LP and Warex
Terminals Corporation Lot Line Change
PB # 07-28*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a lot line change by Eastern Harbour Associates, LP and Warex Terminals Corporation (the "applicants") for a project described as the "Eastern Harbour Associates, LP and Warex Terminals Corporation Lot Line Change";

WHEREAS, the subject site consists of 6.84 acres of land located on the West side of River Road, south of Walsh Avenue and comprised of two tax map parcels in the Town of New Windsor identified on the tax map as section 9, block 1, and lots 70.2 and 77 (SBL 9-1-70.2 & 77); and

WHEREAS, the action involves a request for a lot line change, which is a minor subdivision approval from the Town of New Windsor; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed lot line change, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, on October 10, 2007 the Planning Board waived the public hearing; and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m on October 17, 2007, and OCDP responded on October 23, 2007 recommending local determination; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials,

including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed subdivision plat consisting of one sheet, prepared by Richard Paul Hanback N.Y.S. Land Surveyor, dated August 17, 2007, with no revisions; and

WHEREAS, the applicant is seeking final subdivision approval for the amended subdivision plat, which would not create any new lots nor result in any additional disturbances beyond that previously reviewed for this application;

WHEREAS, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the approval of the lot line change.

NOW, THEREFORE, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 300-86 and approves the lot line change subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the subdivision plat to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
4. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plat for signature within six months of the date of this resolution.

Upon motion made by Member Schlesinger, seconded by Member Brown, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher Aye Nay Abstain Absent

Member, Howard Brown Aye Nay Abstain Absent

Member, Neil Schlesinger

Aye

Nay

Abstain

Absent

Member, Henry Vanleeuwen

Aye

Nay

Abstain

Absent

Chairman, Genaro Argenio

Aye

Nay

Abstain

Absent

Alternate, Henry Schieble

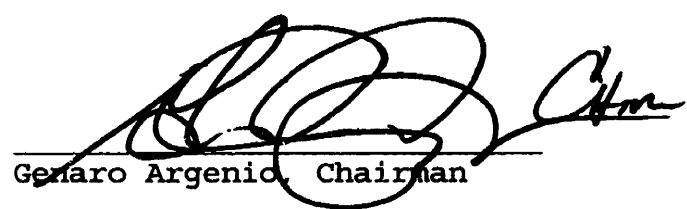
Aye

Nay

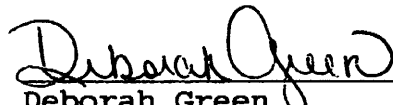
Abstain

Absent

Dated: December 12, 2007
New Windsor, New York


Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 18th day
of December, 2007.


Deborah Green
Town Clerk

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: MENWIN - TOWN OF NEW WINDSO

TASK: 7- 28

FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	-----DOLLARS-----		
									EXP.	BILLED	BALANCE
7-28	333036	09/05/07	TIME	MJE	WS WAREX L/L	119.00	0.40	47.60			
7-28	337062	10/08/07	TIME	MJE	MR WAREX-EASTERN HARBR	119.00	0.70	83.30			
7-28	337066	10/09/07	TIME	MJE	MR WAREX-EASTERN HARBOUR	119.00	0.30	35.70			
7-28	337051	10/10/07	TIME	MJE	MM WAREX LL	119.00	0.30	35.70			
7-28	337054	10/10/07	TIME	MJE	MC KVV WAREX L/L	119.00	0.10	11.90			
7-28	337810	10/16/07	TIME	MJE	MC WAREX LL COORD/MM	119.00	0.20	23.80			
7-28	337813	10/17/07	TIME	MJE	MR OODP REP/EMC-MM	119.00	0.50	59.50			
7-28	338883	10/23/07	TIME	MJE	MC DC:WAREX & EMC MM	119.00	0.30	35.70			
								333.20			
7-28	338597	10/25/07			BILL 07-2841						-297.50
											-297.50
7-28	373997				FD/CR 07-2841	FD 11/08/07	297.50				
7-28	373998				FD/CR 07-2841	FD 11/08/07	0.00				
7-28	343671	12/05/07	TIME	MJE	MC WAREX/EASTERN HARBR	119.00	0.40	47.60			
7-28	344462	12/10/07	TIME	MJE	MR WAREX HARBOUR LL APP	119.00	0.20	23.80			
7-28	343952	12/12/07	TIME	MJE	MM WAREX/ER LL APPD	119.00	0.10	11.90			
7-28	344456	12/12/07	TIME	MJE	MM WAREX LL	119.00	0.30	35.70			
7-28	344477	12/13/07	TIME	MJE	MC MM:WAREX	119.00	0.20	23.80			
								142.80			
7-28	344978	12/18/07			BILL 07-3386						-95.20
7-28	347296	12/31/07			BILL 08-432 1/22/08						-83.30
											-178.50
7-28	374566				FD/CR 07-3386	FD 01/03/08	95.20				
7-28	375093				FD/CR 08-432	FD 02/07/08	83.30				
					TASK TOTAL		476.00		0.00	-476.00	0.00
					GRAND TOTAL		476.00		0.00	-476.00	0.00

ALL DATES											
Date	Entry #	Received From/Paid To Explanation	Che# Rec#	Rcpts	General Disbs	Fees	Bld Inv#	-----	Trust Activity	-----	Balance
12132	TOWN OF NEW WINDSOR										
6085942	WAREX TERMINALS -PB# 07-28- EASTERN HARBOUR A										
Oct 10/2007	98935	Lawyer: DRC 0.40 Hrs X 175.00 REVIEW APPLICATION MATERIALS PB# 07-28				70.00	5331			Resp Lawyer: JRL	
Oct 10/2007	98936	Lawyer: DRC 0.10 Hrs X 175.00 REVIEW M EDSALL'S COMMENTS PB# 07-28				17.50	5331				
Oct 10/2007	98937	Lawyer: DRC 0.20 Hrs X 175.00 ATTEND PLANNING BOARD MEETING PB# 07-28				35.00	5331				
Oct 23/2007	100830	Lawyer: DRC 0.40 Hrs X 175.00 PREPARE RESOLUTIONS ADOPTING A NEGATIVE DECLARATION AND GRANTING SUBDIVISION APPROVAL PB# 07-28				70.00	5331				
Oct 23/2007	100831	Lawyer: DRC 0.30 Hrs X 175.00 PREPARE NEGATIVE DECLARATION PB# 07-28				52.50	5331				
Oct 23/2007	100832	Lawyer: DRC 0.20 Hrs X 175.00 AGGREGATE TIME SPENT FOR VARIOUS EMAILS PB# 07-28				35.00	5331				
Nov 15/2007	105427	Billing on Invoice 5331 FEES 280.00			0.00		5331				
Nov 30/2007	108148	TOWN OF NEW WINDSOR PMT - PAYMENT ON ACCOUNT	012042	280.00							
Dec 10/2007	110376	Lawyer: DRC 0.10 Hrs X 175.00 REVIEW M EDSALL'S COMMENTS PB# 07-28				17.50	6007				
Dec 10/2007	110377	Lawyer: DRC 0.20 Hrs X 175.00 AGGREGATE TIME SPENT TO REVIEW AND FINALIZE THE DRAFT RESOLUTIONS PB# 07-28				35.00	6007				
Dec 10/2007	110378	Lawyer: DRC 0.20 Hrs X 175.00 REVIEW REVISED PLANS PB# 07-28				35.00	6007				
Dec 12/2007	110523	Lawyer: DRC 0.30 Hrs X 175.00 ATTEND PLANNING BOARD MEETING PB# 07-28				52.50	6007				
Jan 18/2008	116968	Billing on Invoice 6007 FEES 140.00			0.00		6007				
Feb 8/2008	122661	TOWN OF NEW WINDSOR PMT - PAYMENT ON ACCOUNT	012687	140.00							

UNBILLED					BILLED					BALANCES							
TOTALS	CHE	+	RECOV	+	FEES	=	TOTAL	DISBS	+	FEES	+	TAX	-	RECEIPTS	=	A/R	TRUST
PERIOD	0.00		0.00		0.00		0.00	0.00		420.00		0.00		420.00		0.00	0.00

REPORT SELECTIONS - Client Ledger

Layout Template
Requested by
Finished
Ver
Matters
Clients
Major Clients
Client Intro Lawyer
Matter Intro Lawyer
Responsible Lawyer
Assigned Lawyer
Type of Law
Select From
Matters Sort by
New Page for Each Lawyer
New Page for Each Matter
No Activity Date
Firm Totals Only
Totals Only
Entries Shown - Billed Only
Entries Shown - Disbursements
Entries Shown - Receipts
Entries Shown - Time or Fees
Entries Shown - Trust
Incl. Matters with Retainer Bal
Incl. Matters with Neg Unbld Disb
Trust Account
Working Lawyer
Include Corrected Entries
Show Check # on Paid Payables
Show Client Address
Consolidate Payments
Show Trust Summary by Account
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All
Active, Inactive Matters
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All
All
No
No
No
No
No
Register

07-28



COUNTY OF ORANGE

EDWARD A. DIANA
COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845)291-2318 FAX: (845)291-2533
www.orangecountygov.com/planning

DAVID CHURCH, A.I.C.P.
COMMISSIONER

GENERAL MUNICIPAL LAW § 239 L, M OR N REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by: Town of New Windsor Planning Board **Reference/County ID No.:** NWT 39-07N
Applicant: Eastern Harbour/Warex Terminals **County Tax ID:** S: 9 B: 1 L: 70.2
S: 9 B: 1 L: 77

Proposed Action: Lot line change
Reason for Review: Within 500 ft of the City of Newburgh/Town of New Windsor border
Date of Full Statement: 10/18/2007

Comments:

The Planning Department has reviewed the materials submitted regarding the proposed lot line change and has found no evidence that intermunicipal or countywide impacts that would result from its approval.

County Recommendation: Local Determination

Date: 10/23/07

Prepared by: Todd Cohen

David Church, AICP
Commissioner of Planning

"IMPORTANT NOTE: As per NYS General Municipal Law 239-m(6), within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. A referring body which acts with a supermajority vote acts contrary to a recommendation of modification or disapproval must set forth the reasons for the contrary action in such report. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning."

239reviewdecisionletters/239 Review Letter Template



REPORT OF FINAL LOCAL ACTION

To: Orange County Department of Planning
124 Main Street
Goshen, NY 10924

From: Town of New Windsor Planning Board

Date:

Subject: GML 239 Referral ID# NWT39-07N
Name of project: Eastern Harbor/Warex Terminals

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

_____ Our local board **approved** this action on _____.

_____ Our local board **approved** this action **with modifications** on _____.
Briefly, the modifications consisted of:

_____ Our local board **disapproved** this action on _____.
Briefly, the reasons for disapproving this action were:

_____ The proposal was **withdrawn**.

Additional space for comments on actions:



PROJECT: Warex Terminals P.B. # 07-28

NEGATIVE DEC:

M)___S)___ VOTE: A___N___

CARRIED: Y N

CARRIED: Y_____N_____

M) _____ S) _____ VOTE: A _____ N _____ SCHEDULE P.H.: Y _____ N _____

SEND TO DEPT. OF TRANS: Y___ REFER TO Z.B.A.: M)___ S)___ VOTE: A___ N___

CONCEPTUAL: _____ PRELIMINARY: _____ COND. FINAL: _____ FINAL ☒

M) Sch (S) _____ VOTE: A _____ N _____ APPROVED: _____

NEED NEW PLANS: Y___N___

CONDITIONS – NOTES:

MEETING DATE: *December 12, 2007*

MEETING DATE: *December 12, 2007*

December 12, 2007

11

REGULAR_ITEMS:

WAREX_TERMINALS/EASTERN_HARBOUR_ASSOCIATES_(07-28)

MR. ARGENIO: Warex Terminals on River Road represented by Mr. Shaw, Jr. The application proposes conveyance of approximately .854 acres from Warex lot 7.2 to Eastern Harbour lot number 77. The plan was previously reviewed at 10 October, 2007 meeting. What do you have for us tonight, Greg?

MR. SHAW: Since I was here previously on October 10, this lot line change is currently on the state highway, I was referred out to the Orange County Department of Planning and it's 30 days have passed so I'm here looking for a negative dec and a lot line change approval.

MR. ARGENIO: Okay, we received a response from them, it was seven pages, I'm only kidding, we received a response and they have indicated local determination, so that should be fine. Go ahead, tell us what you're looking for.

MR. SHAW: Basically, this is going between Warex Terminals and Eastern Harbour. Currently Warex Terminals owns this L-shaped piece of property and they are conveying this strip, this leg, whatever you'd like to call it to the lower piece right here and that's pretty much it.

MR. ARGENIO: It would seem to me the intent is to link the two parcels, is that right?

MR. SHAW: Right, and also so he has access to Walsh Road at some point in time.

MR. ARGENIO: At the 10 October meeting, I don't know who was here for that meeting but there really was not a lot of discussion on it, it's very simple, it's more

procedural, quite frankly, than anything else. If anybody sees fit, I'll accept a motion for negative dec on this application.

MR. SCHLESINGER: Motion made.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec under the SEQRA process for the Eastern Harbour Associates lot line change. Roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Bulk table is now complete. Prior to submitting final plan, the applicant's surveyor should verify the lot width values for the Eastern Harbour lot. Are you okay with that, Mr. Shaw?

MR. SHAW: Yes.

MR. ARGENIO: If you get final approval, it will be subject to that. Mark, am I missing anything?

MR. EDSALL: No, they're in good shape.

MR. ARGENIO: I will accept a motion if somebody sees fit.

MR. SCHLESINGER: Make a motion for final approval for the Eastern Harbour Associates.

MR. BROWN: Second it.

December 12, 2007

13

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval for Eastern Harbour Associates on River Road lot line change. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, Mr. Shaw.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/12/2007

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 7-28

NAME: WAREX / EASTERN HARBOUR LL CHG PA2007-739

APPLICANT: EASTERN HARBOUR / WAREX TERMINALS

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/10/2007	P.B. APPEARANCE . ADDRESS MARK'S COMMENTS;	WVE PH; NEED OCPD SEND TO O.C. PLANNING
09/05/2007	WORK SHOP APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/12/2007

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 7-28

NAME: WAREX / EASTERN HARBOUR LL CHG PA2007-739
APPLICANT: EASTERN HARBOUR / WAREX TERMINALS

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	10/02/2007	EAF SUBMITTED	10/02/2007	WITH APPLIC
ORIG	10/02/2007	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	10/02/2007	LEAD AGENCY DECLARED	/ /	
ORIG	10/02/2007	DECLARATION (POS/NEG)	/ /	
ORIG	10/02/2007	SCHEDULE PUBLIC HEARING	/ /	
ORIG	10/02/2007	PUBLIC HEARING HELD	/ /	
ORIG	10/02/2007	WAIVE PUBLIC HEARING	10/10/2007	WAIVED PH
ORIG	10/02/2007	FINAL PUBLIC HEARING	10/10/2007	WAIVED FINAL
ORIG	10/02/2007	PRELIMINARY APPROVAL	/ /	
ORIG	10/02/2007	LEAD AGENCY LETTER SENT	/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 12/12/2007

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 7-28

NAME: WAREX / EASTERN HARBOUR LL CHG PA2007-739
APPLICANT: EASTERN HARBOUR / WAREX TERMINALS

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	10/02/2007	MUNICIPAL HIGHWAY	/ /	
ORIG	10/02/2007	MUNICIPAL WATER	/ /	
ORIG	10/02/2007	MUNICIPAL SEWER	/ /	
ORIG	10/02/2007	MUNICIPAL FIRE	/ /	
ORIG	10/02/2007	NYS DOT	/ /	

Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.
To be signed by Local Official.

MUNICIPALITY: T/New Windsor

TAX MAP ID: 9-1-70.2 & 77
(Section-Block-Lot)

Local File #: 07-28
Please refer to this number in any correspondence.

Project Name: Eastern Harbour - Warex Lot Line Ch.

Applicant: Eastern Harbour Assoc. & Warex Terminals Send Copy of Letter to Applicant: (check one)
Address: 401 and 1 S. Water St., Newburgh, NY Yes ☐ No ☒

Attorney, Engineer, Architect: Shaw Engineering, 744 Broadway, Newburgh, NY 12553

Location of Site: West Side of River Road (South of Walsh)
(Street, highway, nearest intersection)

Size of Parcel: 3.24 Ac. & 3.6 Ac. Existing Lots: 2 Proposed Lots/Units: 2

Present Zoning District: PI

TYPE OF REVIEW:

- ☐ Site Plan (SP): _____
- ☐ Special Use Permit* (SUP) _____
- ☐ Variance* USE (UV): _____
AREA (AV): _____
- ☐ Zoning District Change* From: _____ To: _____
- ☐ Zoning Amendment To Section: _____
- ☒ Subdivision: Major _____ Minor (IN FORM OF LOT LINE CHANGE)
☐ Sketch ☐ Preliminary ☒ Final (Please indicate stage)
- ☒ Other Comments: Convey 0.854 Ac from Warex (lot 70.2) to Eastern Harbour (lot 77)

Date: 10-17-07

Mark J. Edsall, P.E., P.P.
Signature Engineer for the Planning Board

* Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID# _____

GML 239 Referral Guide – 02/27/2007

3

October 10, 2007

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REGULAR_ITEMS:

WAREX_TERMINALS/EASTERN_HARBOUR_ASSOC._ (07-28)

MR. ARGENIO: Warex Terminals. Application proposes conveyance of approximately .854 acres from Warex lot number 70.2 to Eastern Harbour lot number 77. The plan was reviewed on a concept basis only. Sir, would you please give your name and your affiliation to the stenographer?

MR. SHAW: My name is Greg Shaw from Shaw Engineering.

MR. ARGENIO: Go ahead, Mr. Shaw, what do you have?

MR. SHAW: Representing Warex Terminals, we're asking for a lot line change. Currently Warex Terminals owns this L-shaped piece of property and they want to convey this leg of the L to Eastern Harbour Associates and therefore the property line would now extend up around here and this ultimately this leg would help them get access to their property in the back which they do not have access onto River Road currently.

MR. ARGENIO: You want to have a lot line change to convey that leg, that skinny piece?

MR. SHAW: That .854 acre leg to the piece just below it.

MR. ARGENIO: To Eastern Harbour the triangular piece?

MR. SHAW: Right.

MR. ARGENIO: Anything tricky here, Mark?

MR. EDSALL: No, straightforward lot line change. My comments are--

MR. ARGENIO: Are you changing the access onto River

October 10, 2007

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Road?

MR. SHAW: For Warex Terminals?

MR. ARGENIO: For either one?

MR. SHAW: Not currently.

MR. ARGENIO: Well, wait a second, I don't understand, it looks like that gravel roadway is being conveyed as well.

MR. EDSALL: The crosshatch is an easement.

MR. ARGENIO: Okay, good, that makes it simpler. You see that, Howard?

MR. BROWN: Yup.

MR. ARGENIO: Let me see what Mark has to say. Do you have Mark's comments, Mr. Shaw? Take a copy of his comments, he's got some nickel dime cleanup things, very disappointed that the setback dimensions are not illustrated on there. Item number 3 I will poll the board how, does anybody feel about a public hearing about their lot line change? Howard?

MR. BROWN: I don't think it's necessary.

MR. ARGENIO: I mean if there's going to be some development at some point in time at a later date.

MR. BROWN: We can always just--

MR. ARGENIO: Absolutely.

MR. GALLAGHER: I don't think it's needed.

MR. VAN LEEUWEN: No.

October 10, 2007

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MR. ARGENIO: Accept a motion we waive the public hearing.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning board waive the public hearing on Eastern Harbour Associates lot line change.

MR. EDSALL: Preliminary and final.

MR. ARGENIO: There's a motion on the floor to waive preliminary and final public hearing for this application.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: If there's no further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mr. Shaw, unfortunately because you're on River Road, you have to go to the County, I'm sure you knew that before you came in. So I don't want to belabor this thing, it's very simple, get with Myra, get the notices to the County, Myra can and we'll see you when we hear from the county because they want to know about everything.

MR. SHAW: Great, thanks.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE

**33 AIRPORT CENTER DRIVE
SUITE 202**

NEW WINDSOR, NEW YORK 12553

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:

MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: EASTERN HARBOUR ASSOC. – WAREX TERMINAL CORPORATION
LOT LINE CHANGE
PROJECT LOCATION: RIVER ROAD (WEST SIDE)
SECTION 9 – BLOCK 1 – LOTS 70.2 & 77
PROJECT NUMBER: 07-28
DATE: 10 OCTOBER 2007
DESCRIPTION: THE APPLICATION PROPOSES THE CONVEYANCE OF
APPROXIMATELY 0.854 ACRES FROM WAREX (LOT 70.2) TO
EASTERN HARBOUR (LOT 77). THE PLAN WAS REVIEWED ON A
CONCEPT BASIS ONLY.

1. The properties are located in the PI zoning district of the Town. The bulk table on the plan is correct for the zone, reflecting the use on the Warex property (which is being decreased in size and therefore needs to be evaluated for continued zoning compliance).

The bulk table should be made complete to reflect all criteria in the bulk table (add net area, frontage, height, FAR, Min. Liv. Area). In addition, some corrections to the bulk table also appear necessary.

The bulk tables include setback values for existing structures on each lot. The setback dimensions should be depicted on the plan as well.

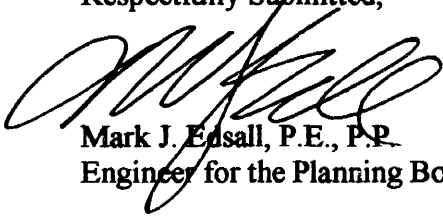
2. The application appears to be a simple lot line change. I am aware of no other concerns, other than submittal of a final corrected plan.
3. The Planning Board should determine if a Public Hearing will be necessary for this minor subdivision (in form of lot line change), or if same can be waived per Section 257-13 (A) of the Subdivision Regulations. (if waived, the final public hearing could also be waived, per Section 257-14 (B)(2) of the Town Code).

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

4. To my knowledge, there are no other Involved Agencies for this application. As such, the Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
5. This project adjoins River Road, which is a State Highway; as such, the application must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).
6. Given the fact that this is only a lot line change, with no improvements proposed, I see no reason to forward this application to the NYSDOT for review.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW07-28-10Oct07.doc



PROJECT: Warex Terminals / Eastern Harbour P.B. # 07-28

NEGATIVE DEC:

M)____S)____VOTE: A____N____
CARRIED: Y____N____

PUBLIC HEARING: WAIVED: ✓ CLOSED: Preliminary.
M) ✓ S) B VOTE: A 4 N 0 SCHEDULE P.H.: Y N ✓ & Final

RETURN TO WORK SHOP: Y__N__

NEED NEW PLANS: Y____N____

Address Mark's comments

Send to D.C. Planning



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

☐ Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mhenry@mhepc.com

☐ Regional Office
507 Broad Street
Millford, Pennsylvania 18337
(570) 298-2705
e-mail: mhapa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF:

New Windsor

P/B APP. NO.: 100-3

WORK SESSION DATE:

5 Sept 2007

PROJECT: NEW OLD

REAPPEARANCE AT W/S REQUESTED:

RESUB. REQ'D:

PROJECT NAME:

Eastern Harbor Area + Liberty Terminal Y/C

REPRESENTATIVES PRESENT:

Tony Greg Shaw

MUNICIPAL REPS PRESENT:

BLDG INSP. _____

PB ATTY. _____

FIRE INSP. _____

PLANNER _____

MHE REP (MJE) (Other) _____

P/B CHMN _____

OTHER _____

ITEMS DISCUSSED:

PI B-5

80K
200W

no room insur

single Y/C

STND CHECKLIST:

PROJECT
TYPE

DRAINAGE _____

SITE PLAN

DUMPSTER _____

SPEC PERMIT

SCREENING _____

L L CHG.

LIGHTING _____

SUBDIVISION

(Streetlights)

LANDSCAPING _____

OTHER

BLACKTOP _____

ROADWAYS _____

APPROVAL BOX _____

PROJECT STATUS:

ZBA Referral: _____

Y X N

Ready For Meeting _____

X Y _____ N

Recommended Mtg Date

next avail

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/02/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 7-28

NAME: WAREX / EASTERN HARBOUR LL CHG PA2007-739
APPLICANT: EASTERN HARBOUR / WAREX TERMINALS

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/02/2007	REC. CK. #87386 - WAREX	PAID		150.00	
		TOTAL:	0.00	150.00	-150.00

J. Ferraga 10-2-07

P.B. #07-28 ESCROW



561-4000
WAREX TERMINALS CORPORATION
P.O. BOX 488, NEWBURGH, N.Y. 12551



CITIZENS BANK
28 State Street
Boston, Mass 02109

5-7017
2110

087386

One hundred fifty dollars and 00/100*****

DATE

8/23/07

CONTROL NO.

087386

AMOUNT

150.00

Town of New Windsor

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

⑈087386⑈ ⑆211070175⑆ 1303287509⑈

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#772-2007

10/02/2007

Warex Teminals Corp.
P O Box 488
Newburgh, NY 12551

Received \$ 50.00 for Planning Board Fees, on 10/02/2007. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PB# 07-28

07-28

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

Telephone: (845) 563-4615

Fax: (845) 563-4695

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change X Site Plan _____ Special Permit _____

Tax Map Designation: Sec. 9 Block 1 Lot 70.2
9 1 77

BUILDING DEPARTMENT REFERRAL NUMBER 2007 - 739

1. Name of Project Lot Line Change Plan-Lands of Eastern Harbour Associates, LP and Warex Terminals Corporation

2. Owner of Record Eastern Harbour Associates, LP/ Warex Terminals Corporation Phone _____

Address: 401 South Water Street, Newburgh, NY 12550/
1 South Water Street, Newburgh, NY 12550
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant Applicants same as owners Phone 561-4000

Address: _____
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan Richard Paul Hanback Phone 758-4177

Address: 191 Norton Road Red Hook NY 12571
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney _____ Phone _____

Address _____
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

Gregory J. Shaw, P.E. 561-3695 561-3027
(Name) (Phone) (fax)

7. Project Location: On the west side of River Road
(Direction) (Street)

8. Project Data: Acreage 3.24 Zone PI School Dist. Newburgh Consolidated
3.6

PAGE 1 OF 2

(PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

RECEIVED SEP 2 4 2007

07-28

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No X

*This information can be verified in the Assessor's Office.

*If you answer yes to question 9, please complete the attached Agricultural Data Statement.

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) the adjustment
of a parcel boundary line where 0.854 acres of land is
transferred from Warex Terminals Corporation (9-1-70.2) to
Eastern Harbour Associates LP (9-7-77)
11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no X
12. Has a Special Permit previously been granted for this property? yes _____ no X

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

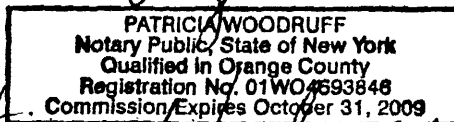
SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

23 DAY OF August 2007



Patricia Woodruff
NOTARY PUBLIC

Warex Terminals Corporation

[Signature]
(OWNER'S SIGNATURE)

(AGENT'S SIGNATURE)

Please Print Agent's Name as Signed

TOWN USE ONLY:

DATE APPLICATION RECEIVED

07-28
APPLICATION NUMBER

AGENT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Warex Terminals Corporation, it conducts business
(OWNER), ^{it}deposes and says that ~~he~~resides

at 1 South Water Street, Newburgh in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that ^{it}~~he~~ is the owner of property tax map

(Sec. 9 Block 1 Lot 70.2)
designation number (Sec. Block Lot) which is the premises described in
the foregoing application and that ~~he~~ designates:
it


(Agent Name & Address)

Shaw Engineering, 744 Broadway, Newburgh, NY 12550
(Name & Address of Professional Representative of Owner and/or Agent)

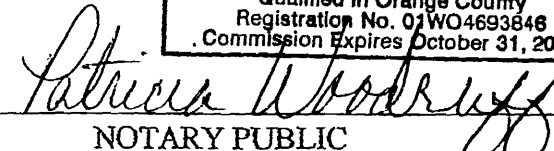
as his agent to make the attached application.

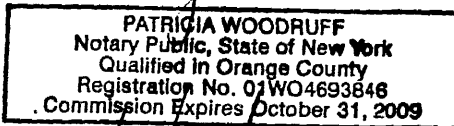
**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.**

SWORN BEFORE ME THIS:

****** 
Owner's Signature (MUST BE NOTARIZED)

23 DAY OF August 2007


NOTARY PUBLIC



Agent's Signature (If Applicable)

Professional Representative's Signature


**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

07-28

**TOWN OF NEW WINDSOR PLANNING BOARD
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

- | | | |
|---------------------|--|--------------------------------------|
| 1. <u> X </u> | Name and address of Applicant. | Lot Line Change Plan- |
| * 2. <u> X </u> | Name and address of Owner. | Lands of Eastern Harbour |
| | | Associates, L P and Warex |
| 3. <u> X </u> | Subdivision name and location | Terminals Corporation |
| 4. <u> X </u> | Provide 4" wide X 2" high box <u>(IN THE LOWEST RIGHT CORNER OF THE PLAN)</u> for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SUBDIVISION PLAN) | |
| | SAMPLE:  | |
| 5. <u> X </u> | Tax Map Data (Section, Block & Lot). | |
| 6. <u> X </u> | Location Map at a scale of 1" = 2,000 ft. | |
| 7. <u> X </u> | Zoning table showing what is required in the particular zone and what applicant is proposing. | |
| 8. <u> X </u> | Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone. | |
| 9. <u> X </u> | Date of plat preparation and/or date of any plat revisions. | |
| 10. <u> X </u> | Scale the plat is drawn to and North arrow. | |
| 11. <u> X </u> | Designation (in title) if submitted as sketch plan, preliminary plan or final plan. | |
| 12. <u> X </u> | Surveyor's certificate. | |
| 13. <u> X </u> | Surveyor's seal and signature. | |
| 14. <u> X </u> | Name of adjoining owners. | |
| 15. <u> NA </u> | Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements. | |
| * 16. <u> NA </u> | Flood land boundaries. | |
| 17. <u> NA </u> | A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued. | |

18. X Final metes and bounds.
19. NA Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. X Include existing or proposed easements.
21. NA Right-of-way widths.
22. NA Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. NA Lot area (in square feet for each lot less than 2 acres).
24. NA Number the lots including residual lot.
25. NA Show any existing waterways.
- *26. NA A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. X Applicable note pertaining to owner's review and concurrence with plat together with owner's signature.
28. X Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. NA Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. NA Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. NA Provide A septic system design notes as required by the Town of New Windsor.
32. NA Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. NA Indicate percentage and direction of grade.
34. X Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. NA Indicate location of street or area lighting (if required).

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. NA Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
37. NA A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

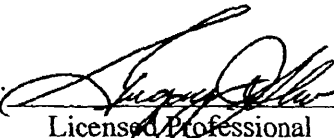
Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY:  August 22, 2007
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

PLEASE NOTE:

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.

PROJECT ID NUMBER

617.20

SEQR

APPENDIX C

STATE ENVIRONMENTAL QUALITY REVIEW

SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR Eastern Harbour Associates LP & Warex Terminals	2. PROJECT NAME Lot Line Change-Lands of Eastern Harbour Associates LP &
3. PROJECT LOCATION: Corporation Municipality Town of New Windsor	Warex Terminals Corporation County Orange
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map West side of River Road, South of Walsh Avenue	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: The transfer of 0.854 acres of land from Warex Terminals Corporation (9-1-702) to lands of Eastern Harbour Associates, LP (9-1-77)	
7. AMOUNT OF LAND AFFECTED: Initially 0.854 acres Ultimately 0.854 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name Eastern Harbour Associates LP & Warex Terminals Corporation Date: 8/22/2007 Signature <i>[Signature]</i> Engineer for Applicants	

If the action is a Coastal Area, and you are a state agency,
complete the Coastal Assessment Form before proceeding with this assessment

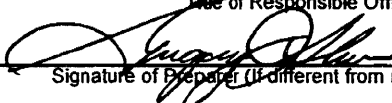
07-28

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	No
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	No
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	No
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	No
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	No
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	No
C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:	No
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/>	Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.
<div style="display: flex; justify-content: space-between;"><div><u>Town of New Windsor Planning Board</u> Name of Lead Agency</div><div>_____ Date</div></div>	
<div style="display: flex; justify-content: space-between;"><div><u>Genaro Argenio</u> Print or Type Name of Responsible Officer in Lead Agency</div><div><u>Chairman</u> Title of Responsible Officer</div></div>	
<div style="display: flex; justify-content: space-between;"><div>_____ Signature of Responsible Officer in Lead Agency</div><div> Signature of Preparer (if different from responsible officer)</div></div>	

07-28

NOTES:

THIS MAP IS CERTIFIED TO:
WAREX TERMINALS CORPORATION
MID-VALLEY PETROLEUM CORPORATION
EASTERN HARBOUR ASSOCIATES, L.P.
DAVID PLOTKIN

WAREX TERMINALS CORPORATION A.K.A. MID-VALLEY PETROLEUM CORPORATION
TAX PARCEL ID# 9-1-20.2 (WAREX)
TAX PARCEL ID# 9-1-70.2 (EASTERN HARBOUR)

REFERENCE DEEDS
LIBER 1849, PAGE 51 (WAREX)
LIBER 1504, PAGE 278 (EASTERN HARBOUR)

TOTAL AREA = 6.845 ACRES

REFERENCE IS HEREBY MADE TO A TOPOGRAPHIC SURVEY PREPARED BY RICHARD P. HANBACK, L.S., DATED NOVEMBER 15, 2001 FOR ADDITIONAL PIPING AND INFRASTRUCTURE DETAILS.

SOME DETAILS ARE NOT SHOWN FOR SECURITY REASONS. SURVEY SUBJECT TO ANY RIGHT, TITLE OR INTEREST THE PUBLIC MAY HAVE FOR HIGHWAY USE.

THE LOCATION OF ANY UNDERGROUND PUBLIC OR PRIVATE WATER, SEWAGE, ELECTRICAL AND/OR GAS LINES ARE NOT SHOWN HEREON.

SUB SURFACE STRUCTURES AND/OR IMPROVEMENTS NOT VISIBLE OR READILY APPARENT ARE NOT SHOWN AND THEIR LOCATION AND EXTENT ARE NOT CERTIFIED.

SURVEYED FROM RECORD DESCRIPTIONS AND AS IN POSSESSION.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 2209 PARAGRAPH 2 OF THE NEW YORK STATE EDUCATION LAW.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

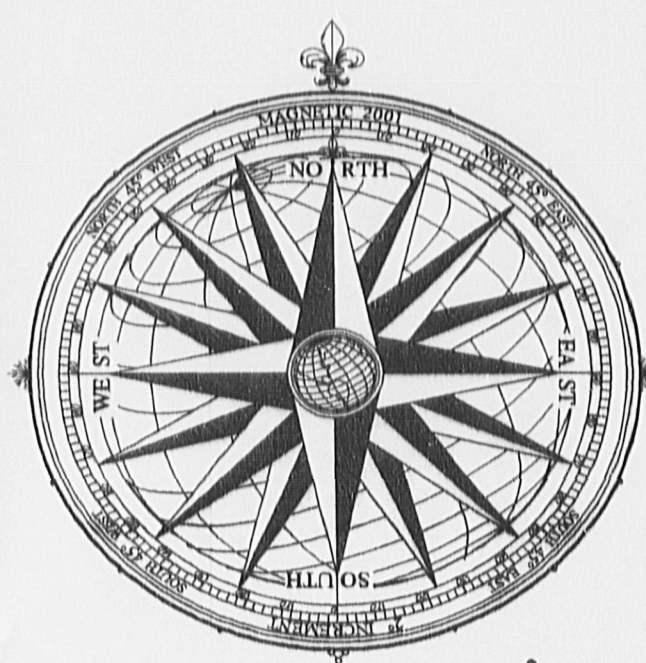
CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON(S) FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL TITLE COMPANIES, LENDING INSTITUTIONS OR SUBSEQUENT OWNERS.

ONLY COPIES OF THIS SURVEY MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL EMBOSSED OR INK SEAL ARE THE PRODUCT OF THE LAND SURVEYOR.

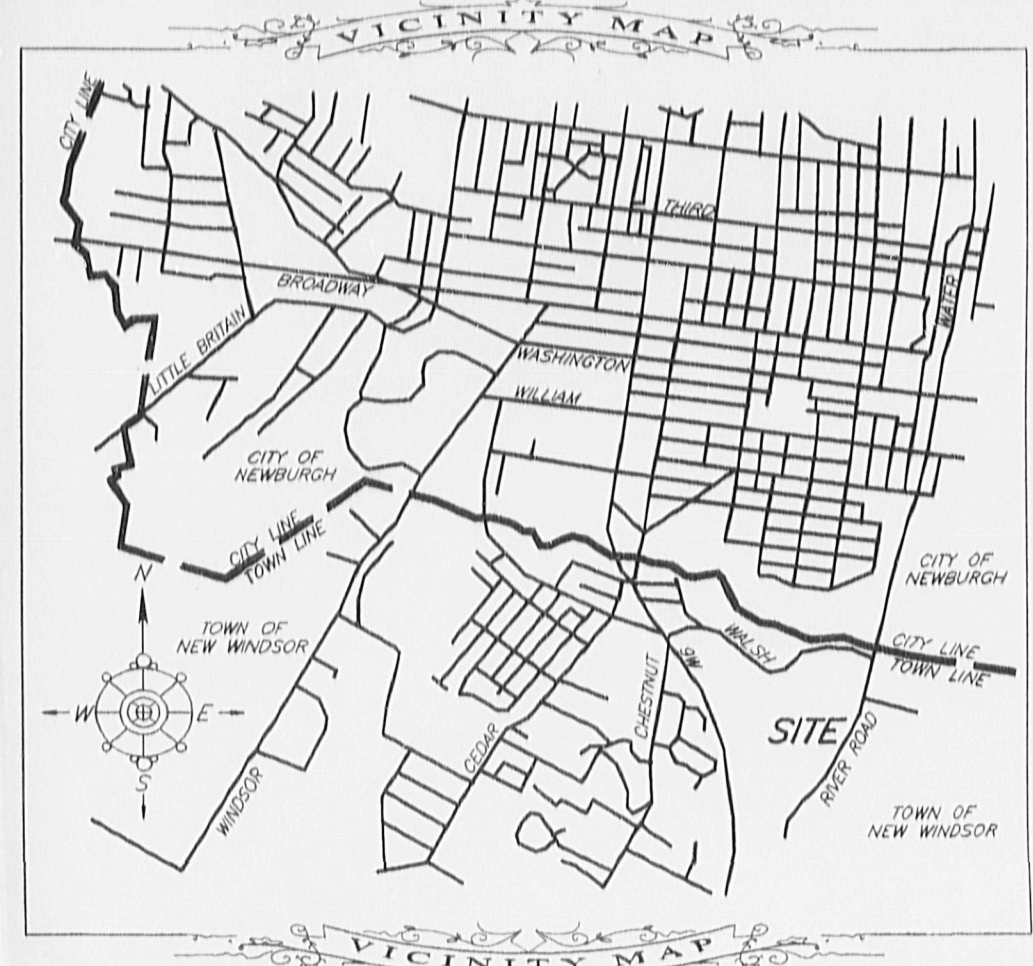
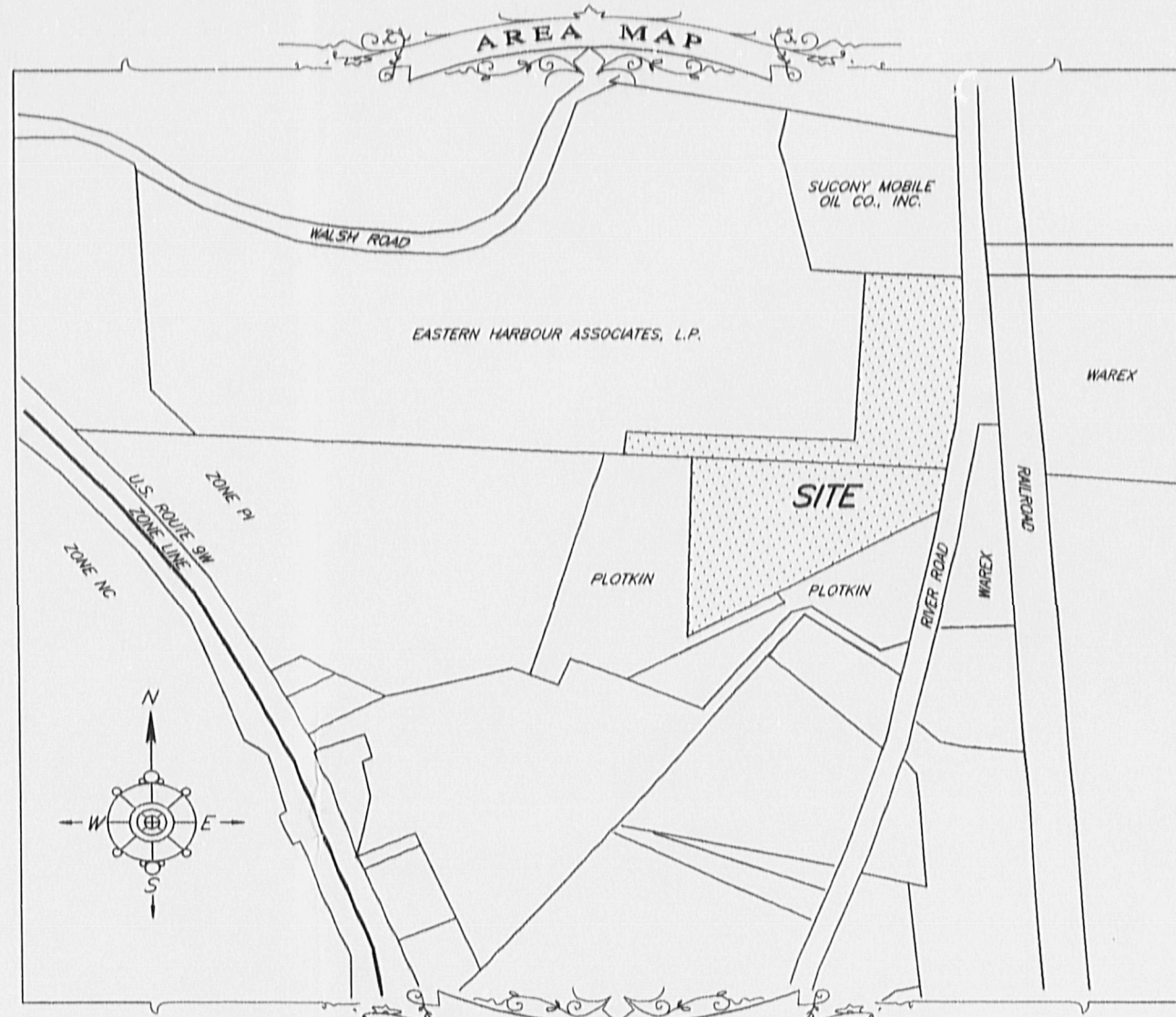
I HEREBY CERTIFY THAT THIS SURVEY MAP WAS PREPARED BY ME THAT THE 3.24 ACRE PARCEL SHOWN HEREON WAS MADE FROM AN ACTUAL FIELD SURVEY COMPLETED BY ME ON NOVEMBER 15, 2001. THE LANDS OF EASTERN HARBOUR ASSOCIATES, L.P. SHOWN HEREON ARE BASED IN PART ON A DEED PLOTTING ONLY.

COPYRIGHT 2007 BY RICHARD PAUL HANBACK, L.S.
MAP REVISED NOVEMBER 28, 2007 TO REMOVE HATCHING AND REVISE ZONING TABLE.
MAP REVISED DECEMBER 27, 2007 TO REVISE ZONING TABLE.

RICHARD PAUL HANBACK
N.Y.S. LAND SURVEYOR



EASTERN HARBOUR ASSOCIATES, L.P.
LIBER 11708, PAGE 181
TAX PARCEL ID# 9-1-70.2
NOT IN APPLICATION
FILED MAP NO. 74-94



SUCONY MOBILE OIL COMPANY, INC.
LIBER 1481, PAGE 121
FILED MAP NO. 74-94
TAX PARCEL ID# 9-1-21.2

OTHER LANDS OF
EASTERN HARBOUR ASSOCIATES, L.P.
LIBER 11708, PAGE 181
TAX PARCEL ID# 9-1-70.11
NOT IN APPLICATION
FILED MAP NO. 74-94

TAX PARCEL # 9-1-70.2
LANDS OF
WAREX TERMINALS CORPORATION
DEED REFERENCE
LIBER 1849, PAGE 51
3.24 ACRE EXISTING (INCL. EAST SIDE)
-0.854 ACRE TO EASTERN HARBOUR ASSOCIATES, L.P.
2.39 ACRES FINAL REMAINING

TAX PARCEL # 9-1-77
LANDS OF
EASTERN HARBOUR ASSOCIATES, L.P.
DEED REFERENCE
LIBER 11708, PAGE 169
3.6± ACRES EXISTING
+0.854 ACRE FROM WAREX TERMINALS CORPORATION
4.45± ACRES AFTER MERGER

LANDS OF
DAVID PLOTKIN
LIBER 3504, PAGE 278
SECOND PARCEL
TAX PARCEL ID# 9-1-78.231
NOT IN APPLICATION

LANDS OF
DAVID PLOTKIN
LIBER 2041, PAGE 485
TAX PARCEL ID# 9-1-82
NOT IN APPLICATION

OWNERS CERTIFICATION

THE UNDERSIGNED OWNERS OF THE PROPERTIES SHOWN HEREON STATE THAT THEY ARE FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGEND, AND HEREBY CONSENT TO ALL SACS TERMS AND CONDITIONS AS STATED HEREON AND TO THE FILING OF THIS MAP WITH THE ORANGE COUNTY CLERK'S OFFICE.

SIGNED THIS 6th DAY OF MARCH, 2008
BY David Plotkin
EASTERN HARBOUR ASSOCIATES, L.P.

SIGNED THIS 17th DAY OF February 2008
BY [Signature]
WAREX TERMINALS CORPORATION, A.K.A. MID-VALLEY PETROLEUM CORP.

RECORD OWNERS

TAX PARCEL # 9-1-77
EASTERN HARBOUR ASSOCIATES, L.P.
401 SOUTH WATER STREET
NEWBURGH, NEW YORK, 12550
PARCEL AREAS
PRIOR TO LOT LINE CHANGE
3.6± ACRES
AFTER LOT LINE CHANGE
4.45± ACRES

TAX PARCEL # 9-1-70.2
WAREX TERMINALS CORPORATION
A.K.A. MID-VALLEY PETROLEUM CORPORATION
C/O DOMENICUCCI, PRESIDENT
P.O. BOX 485
NEWBURGH, NEW YORK, 12550
PARCEL AREAS
PRIOR TO LOT LINE CHANGE
3.24 ACRES
AFTER LOT LINE CHANGE
2.39 ACRES

ZONING SCHEDULE

WAREX TERMINALS			
ZONE P1 PLANNED INDUSTRIAL USE: BULK STORAGE OILS AND OIL ABOVE GROUND			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA-GROSS	80,000 SF	141,134 SF±	104,108 SF±
MINIMUM LOT AREA-NET	48,000 SF	141,134 SF±	104,108 SF±
MINIMUM LOT WIDTH	200 FT	471 FT±	421 FT±
MINIMUM FRONT YARD	100 FT	57.1 FT±*	57.1 FT±*
MINIMUM SIDE YARD-ONE	50 FT	80.6 FT	80.6 FT
MINIMUM SIDE YARD-BOTH	110 FT	301.6 FT	251.6 FT
MINIMUM REAR YARD	50 FT	66.7 FT	66.7 FT
MINIMUM STREET FRONTAGE	100 FT	472.9 FT	422.9 FT
MAXIMUM BUILDING HEIGHT	12'7" DISTO NEAREST LOT LINE	49 FT±	49 FT±
MAXIMUM FLOOR AREA RATIO	0.7	0.8	0.7
MINIMUM LUMBER FLOOR AREA	N/A	N/A	N/A
DEVELOPMENTAL COVERAGE	85%	8%	11%
*DENOTES EXISTING NON-COMFORMING CONDITION			
EASTERN HARBOUR ASSOCIATES, L.P.			
ZONE P1 PLANNED INDUSTRIAL USE: OUTDOOR LUMBER AND BUILDING MATERIAL STORAGE			
	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA-GROSS	40,000 SF	158,816 SF±	193,842 SF±
MINIMUM LOT AREA-NET	24,000 SF	158,816 SF±	190,092 SF±
MINIMUM LOT WIDTH	150 FT	133 FT±	184 FT±
MINIMUM FRONT YARD	50 FT	286.8 FT±	286.8 FT±
MINIMUM SIDE YARD-ONE	15 FT	32.2 FT±	32.2 FT±
MINIMUM SIDE YARD-BOTH	40 FT	164.1 FT±	214.1 FT±
MINIMUM REAR YARD	30 FT	147.3 FT±	147.3 FT±
MINIMUM STREET FRONTAGE	N/A	100 FT±	150 FT±
MAXIMUM BUILDING HEIGHT	12'7" DISTO NEAREST LOT LINE	18 FT±	18 FT±
MAXIMUM FLOOR AREA RATIO	0.6	0.06	0.05
MINIMUM LUMBER FLOOR AREA	N/A	N/A	N/A
DEVELOPMENTAL COVERAGE	85%	6%	5%
*DENOTES EXISTING NON-COMFORMING CONDITION			

LEGEND OF SYMBOLS

UTILITY POLE ANCHOR
UTILITY WIRES OVERHEAD
UTILITY POLE W/ LIGHT
LIGHT POLE ON CONCRETE BASE
DRAINAGE CATCH BASIN
DRAINAGE TIE-OUT
DRAINAGE HEADWALL, CONCRETE
MANHOLE COVER
FIRE HYDRANT

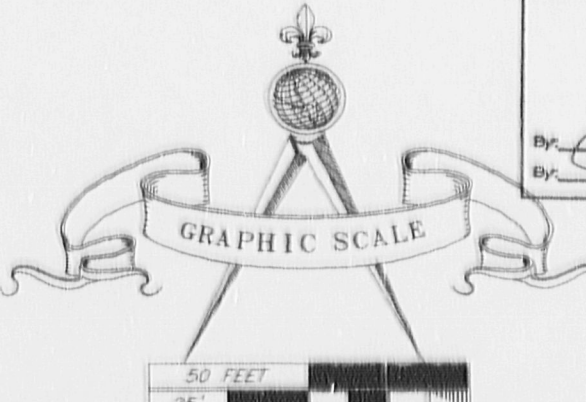
FENCE CHAIN LINK
FENCE GATE
CONCRETE CURB
PAVEMENT
EDGE OF GRAVEL
EDGE OF PAVEMENT
WATER LINE
CATCHER



RICHARD PAUL HANBACK
N.Y.S. LICENSE 50362

LOT LINE CHANGE PLAN BETWEEN THE LANDS OF EASTERN HARBOUR ASSOCIATES, L.P. AND WAREX TERMINALS CORPORATION

SITUATED IN THE
TOWN OF NEW WINDSOR ORANGE COUNTY, N.Y.
SCALE 1" = 50'
AUGUST 17, 2007



APPROVAL GRANTED BY TOWN OF NEW WINDSOR
APR 22 2008
BY [Signature]
TOWN CLERK